

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :
LEWIS A SMITH, JR :
Debtor : CHAPTER 13
:
JACK N. ZAHAROPOULOS :
STANDING CHAPTER 13 TRUSTEE :
Movant : CASE NO. 5-24-03278
:
LEWIS A SMITH, JR :
Respondent :
:

TRUSTEE'S OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 3rd day of February 2025, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced Debtor(s)' Plan for the following reason(s):

1. Failure to properly state the liquidation value in Section 1B of the Plan.
2. Debtor(s)' Plan violates 11 U.S.C. §1325(a)(4) in that the value of property to be distributed under the Plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, Debtor has access to non-exempt equity in the following:
 - a. Residential real estate. Failure to properly state the liquidation value in Section 1B of the Plan.
3. Trustee avers that Debtor(s)' Plan is not feasible based upon the following:
 - a. The Plan is underfunded relative to claims to be paid – 100%.
4. Trustee provides notice to the Court as to the ineffectiveness of Debtor(s)' Chapter 13 Plan for the following reasons:
 - a. Clarification of vesting property. Because non-exempt equity exists, the Plan should provide for vesting at closing. Accordingly, the Plan violates §1325(a)(4).

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WHEREFORE, Trustee alleges and avers that Debtor(s)' Plan cannot be confirmed, and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of Debtor(s)' Plan.
- b. Dismiss or convert Debtor(s)' case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

BY: /s/ Agatha R. McHale
Attorney for Trustee

CERTIFICATE OF SERVICE

AND NOW, this 3rd day of February 2025, I hereby certify that I have served the within Objection by electronically notifying all parties or by depositing a true and correct copy of the same in the Unites States Mail at Hummelstown, Pennsylvania, postage prepaid, first class mail, addressed to the following:

JASON M. RAPA, ESQUIRE
141 S. 1ST STREET
LEHIGHTON, PA 18235-

/s/Tammy Life

Office of Jack N. Zaharopoulos
Standing Chapter 13 Trustee